Application No. 09/722,988
Amendment dated November 17, 2003
Reply to Office Action of November 7, 2003

REMARKS

In the office action, paper number 6, mailed 11/07/2003, the Examiner has objected to the specification because of the informalities that a brief summary of the invention is missing. Pursuant to M.P.E.P. § 608.01(d), brief summary should, when set forth, be commensurate with the invention as claimed. Accordingly, the Applicant respectfully submits that since no summary was included in the Applicant's specification at the time of filing now no brief summary is needed.

Claims 1, 3-7, 10, 12-16, 19, 21-25, 28 and 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Van der Auwera et al. (U.S. Patent No. 6,532,265, hereinafter, "Van der Auwera"). Claim 1 calls for providing error data to indicate motion in an image, determining a characteristic of the error data, and based on the characteristic, determining whether to use the error data to indicate motion in an image.

Instead of determining whether to use the error data based on the characteristic of the error data, Van der Auwera simply selects interframe coding or coding of each video frame separately for the motion compensated video frame(s). That is, choice is not made between use of error data but what type of coding is selected, i.e., inter or intra. In this manner, depending upon the type of coding of frame(s), motion compensated video frame is selectively used to generate error video frame which may be transmitted with motion vectors. More so, motion vectors (e.g., for motion compensation circuit 80) only play a role in case inter frame coding is selected within the interface encoding circuit (110). Accordingly, Van der Auwera fails to teach or suggest all the limitations of claim 1. Thus, claim 1 is not anticipated by the Van der Auwera reference and is in condition for allowance.

Claims 2, 8, 9, 11, 17, 18, 20, 26, 27 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Van der Auwera in view of U.S. Patent No. 6,351,491 to Lee et al. (hereinafter, "Lee"). The Examiner states that Van der Auwera fails to disclose the zerotree encoding steps as specified in claims 2, 8, 9, 11, 17, 18, 20, 26, 27 and 29. Lee simply teaches a
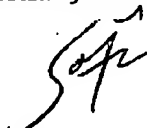
2 of 3

Application No. 09/722,988
Amendment dated November 17, 2003
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wavelet tree generator 204 that performs a wavelet hierarchical subband decomposition to produce a conventional wavelet tree representation of an input image. See column 4, lines 35-48. However, claim 2 limitations include representing error data as a collection of ordered bits, and coding the bits of each order to indicate zerotree roots that are associated with the order. That is, unlike conventional zerotree coding schemes, thresholds are not computed to identify insignificant values, as the "0" bit is treated as being insignificant and the "-1" and "1" bits are treated as being significant. See Applicant's specification on page 4, lines 28-31. In this manner, instead of classifying the wavelet coefficients (as zeroree roots, or isolated zeros, as examples), codes to classify the bits of the wavelet coefficients are produced. Accordingly, Lee fails to teach the limitations of claim 2 as purported by the Examiner. Therefore, a *prima facie* case is absent and claim 2 is in condition for allowance because the § 103 rejection is improper. Likewise, for similar reasons, claims 8, 9, 11, 17, 18, 20, 26, 27, and 29 are also patentably distinguishable over the cited art of record. The Examiner is respectfully requested to consider all pending claims.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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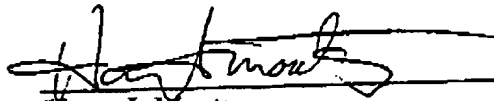713/468-8880 [Phone]
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